

## **REMARKS**

Claims 1-7 are pending in the present application. It is respectfully submitted that claims 4-7 were withdrawn from consideration in error. Notably, in the Response to Election/Restriction Requirement filed by the Applicants on June 13, 2006, Species of Figs. 1, 2 and 4 were elected with traverse and claims 1-7 were identified as reading on the elected species. It is respectfully submitted that the subject matter of claims 4-7 clearly read on the elected species. Accordingly, it is respectfully submitted that claims 4-7 were improperly withdrawn from consideration and should be considered during the prosecution of the present application.

In the January 17, 2007 Office action, claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tanner et al. (5,944,750). In so rejecting the claims, the Examiner stated that "Tanner et al. discloses the claimed invention in figures 4-7, a sealing member (150,151) connected to a tubular member (110) and being configured to least surround the proximal end of the tubular member (110); wherein the sealing member (150,151) including a free end (at 151) unconnected to the tubular member (110) forms of a frustoconical profile; and a biasing member (121) connected to the free end (at 151) of the sealing member (151) for biasing the free end of the sealing member (151) away from the tubular member (110)."

It is respectfully submitted, however, that the Examiner has misinterpreted the teachings of the Tanner et al. patent. In particular, it is respectfully submitted that the Tanner et al. patent does not teach that the disclosed attachment cuff 121 forms a biasing member. Moreover, it is respectfully submitted that the Tanner et al. patent does not contemplate or suggest that the attachment cuff 121 acts as a biasing member.

Rather, the Tanner et al. patent describes the disclosed attachment cuffs as defining flexible material and further, teaches employing suitable fasteners to secure the attachment cuff

121 to a wall of a vessel. In that regard, Tanner et al. describes the attachment cuffs as being flexible enough to permit positioning adjustment to accommodate changes in anatomy (Col. 9, line 64 et seq.). Thus, it would follow that the attachment cuffs of Tanner et al. would be intended to be capable to move inwardly toward graft assembly 110 should the anatomy at the implant site require such a positioning adjustment. Notably, FIG. 9 is provided to illustrate the desired flexibility range of the disclosed attachment cuffs. Additionally, it is notable that the fasteners described at Col. 21, line 34 et seq. and not some outward biasing force generated by the attachment cuffs themselves, are intended to fix the attachment cuffs to a vessel.

Therefore, it is submitted that the Tanner et al. attachment cuff 121 is not designed to bias cuff attachment 151 away from a tube graft assembly 110, as is suggested by the Examiner. Accordingly, it is respectfully submitted that the Tanner et al. reference does not teach each and every limitation recited in independent claim 1 and its dependent claims 2-7 since the pending claims recite a biasing member connected to a sealing member, a free end of the sealing member being biased away from a tubular member by the biasing member. Moreover, it is respectfully submitted that the Tanner et al. reference clearly does not teach the subject matter recited in at least dependent claims 4 and 7 which require the biasing member to define a generally undulating frame. Therefore, it is respectfully submitted that claims 1-7 define subject matter which is allowable over the cited art.

### CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LLP

By: /John V. Hanley/  
John V. Hanley  
Registration No. 38,171

JVH:kst  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
159585.1